

S.B. CIVIL MISC. APPEAL NO. 590/2006

Date : 04.05.2006

HON'BLE MR. BHAGWATI PRASAD, J.

Mr. Mahindra Trivedi for the appellant.

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Heard.

The deceased in the present case was alleged to be a masonry artisan. His income according to the Tribunal was assessed @ Rs.60 per day. He was resident of a village near Banswara. Learned counsel for the appellant arguing the case for enhancement urged that masonry workers get a higher remuneration. Except the evidence of the claimant herself, no positive evidence has been adduced to establish that the deceased was a skillful artisan. The tribunal has come to the conclusion that he was a worker and in that background, in a village of Banswara district which is predominantly a tribal district, income could not have been more than what has been assessed by the tribunal. In that view of the matter, the claimants have been awarded a claim of Rs. 3,15,500/- which is not considered less in any manner. No case for interference is made out. The appeal having no force is hereby dismissed.

(BHAGWATI PRASAD), J.

bjsh